

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Official Committee of Unsecured Creditors,

Plaintiff,

v.

James Alexander,

Defendant.

Civil Action No. 21-417-MN

Bankruptcy Case No. 20-12836 (JTD)

MOTION TO WITHDRAW AS COUNSEL FOR JAMES ALEXANDER

Pursuant to Delaware District Court Local Rule 83.7, 11 U.S.C. § 105(a), and Delaware Lawyers' Rule of Professional Conduct 1.16, Buchanan Ingersoll & Rooney PC (the "Firm"), respectfully moves for an order permitting the Firm and its attorneys to withdraw as counsel to Defendant James Alexander ("Mr. Alexander") in the above-captioned matter and states in support thereof as follows:

1. On or about October 2, 2020, the Firm was engaged to provide legal services for Mr. Alexander in connection with the action entitled *James Alexander v. Daniel Brian Schatt and Joseph Podulka v. Cred Capital, Inc.*, C.A. No. 2020-0941-KSJM filed in the Delaware Court of Chancery on or about November 4, 2020. Since that time, the needs of Mr. Alexander evolved and the Firm has provided significant additional services to Mr. Alexander.

2. Specifically, on or about November, 2020, the Debtors filed a voluntary petition for bankruptcy pursuant to Chapter 11 and the Firm provided Mr. Alexander services in connection with this bankruptcy proceeding. The Firm represented Mr. Alexander in both the main case, Case No. 20-12836, and the adversary proceeding, Adv. Proc. No.: 20-51006.

3. On February 23, 2021, the Firm moved to withdraw as Mr. Alexander's counsel in the Main and Adversary proceedings, but were required by the Delaware Bankruptcy Court to remain as Mr. Alexander's counsel in order for him to comply with pending discovery obligations. Those pending discovery obligations led to the Official Committee of Unsecured Creditors filing a motion for contempt order and sanctions in this Court against Mr. Alexander.

4. Since the Delaware Bankruptcy Court's March 17, 2021 Order requiring the Firm to remain Mr. Alexander's counsel while his discovery obligations were pending, the Firm continued to diligently coordinate with and advise the Mr. Alexander with respect to the Court's Emergency Order and other matters regarding the above captioned action and adversary proceeding. The Firm has, *inter alia*: (i) responded to all requests from opposing counsel based on information provided by Mr. Alexander, (ii) responded to a motion for contempt against Mr. Alexander, (iii) appeared before Your Honor with respect to Mr. Alexander's discovery obligations, (iv) reviewed, prepared, and produced three supplemental productions of documents from Mr. Alexander amounting to 928 pages of documents, (v) in consultation with and based upon information provided by Mr. Alexander, prepared and produced Mr. Alexander's responses and objections to discovery, (vi) in consultation with and based upon information provided by Mr. Alexander, prepared and produced three supplemental declarations; and (vii) participated in three deposition sessions of three to four hours each.

5. As of this Court's June 21, 2021 order,¹ Mr. Alexander's discovery obligations under this Court's February 5, 2021 Emergency Order are complete.

6. In addition, the United States Bankruptcy Court for the District of Delaware has permitted the Firm and its attorneys to withdraw as counsel to Mr. Alexander.²

¹ D.I. 31 in *Official Committee of Unsecured Creditors of Cred Inc. v. James Alexander, C.A.* No. 1:21-cv-00417 (D. Del. Mar. 23, 2021).

7. The Firm has notified Mr. Alexander in advance of this Motion that it intended to move to withdraw as his counsel in this Court and Mr. Alexander has agreed that it is necessary and prudent for the Firm to withdraw. The Firm has thoroughly advised Mr. Alexander of the status of this action as well as the potential consequences of the Firm's withdrawal.

8. A copy of this Motion is being concurrently sent to Mr. Alexander *via* email.

CONCLUSION

WHEREFORE Buchanan Ingersoll & Rooney PC respectfully requests that this Court permit the Firm to withdraw its appearance in the above-captioned matter.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

/s/ Geoffrey G. Grivner
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Dated: August 2, 2021

² See D.I. 868 in *In re: Cred Inc., et al.*, Case No. 20-12836 (JTD) and D.I. 50 in *Cred Inc., Cred Capital, Inc., and Cred (US) LLC*, Adv. Proc. No.: 20-51006.